



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 11-4

March 1, 2012

Petition of Safari Communications, Inc. for Designation as an Eligible Telecommunications Carrier on a Wireless Basis

ORDER OF DISMISSAL WITHOUT PREJUDICE

The Massachusetts Department of Telecommunications and Cable ("Department"), for the reasons discussed below, hereby dismisses, without prejudice, the petition of Safari Communications, Inc. ("Safari") for designation as an Eligible Telecommunications Carrier ("ETC") in Massachusetts for the limited purpose of offering wireless Lifeline and Link-Up service to qualified households. Safari is permitted to re-file its petition for designation as an ETC with the Department to account for recent changes adopted by the Federal Communications Commission ("FCC") in the Lifeline and Link-Up programs in *In re Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 (Feb. 6, 2012) ("Reform Order"). To the extent that Safari intends to submit a Compliance Plan with the FCC in accordance with the blanket forbearance provisions of the Reform Order, Safari may only re-file its petition upon the FCC's approval of Safari's Compliance Plan. Should Safari decide to re-file its petition, the Department will not require an additional filing fee.

Safari filed its application for designation as an ETC for the limited purpose of providing Lifeline and Link-Up services to qualified Massachusetts households on April 28, 2011. *See*

Petition of Safari Communications, Inc. for Designation as an Eligible Telecommunications Carrier on a Wireless Basis, D.T.C. 11-4 at 1 (“Petition”). On December 5, 2011, the Department suspended the procedural schedule pending the issuance of the Reform Order in the interest of regulatory efficiency. *See Hearing Officer Order Suspending Procedural Schedule*, D.T.C. 11-4 at 1 (Dec. 5, 2011).

The FCC issued the Reform Order on February 6, 2012. As a result of changes to the Lifeline and Link-Up programs contained in the Reform Order, Safari will need to file an updated petition. Specifically, in its Reform Order, the FCC eliminated Link-Up support for ETC’s on non-tribal lands. Reform Order at ¶ 245. Moreover, the FCC granted a blanket forbearance from the “own-facilities” requirement of 47 U.S.C. 214(e)(1)(A), provided carriers meet certain conditions. Reform Order at ¶ 373. Among those conditions, carriers seeking to take advantage of forbearance must submit a Compliance Plan to the FCC detailing how the carrier will provide service and safeguard against fraud and abuse. *Id.* at ¶ 379. Further, the FCC ordered that “[n]o designations shall be granted for any pending or new Lifeline-only ETC applications filed with the states or the Commission after December 29, 2011, and carriers shall not receive reimbursement from the program, until the [Wireline Competition] Bureau approves their compliance plans.” *Id.* at ¶ 380.

Due to the elimination of Link-Up support and the changes to the “own-facilities” requirement, Safari will need to amend its Petition, in part, so as to seek only Lifeline support and to account for changes to the “own-facilities” requirement. As a result, the Department dismisses Safari’s Petition without prejudice. To the extent that Safari intends to file a Compliance Plan with the FCC, Safari may only re-file its petition with the Department once

Safari has met the pre-conditions laid out in the Reform Order and received the FCC's approval of its Compliance Plan. Accordingly, it is:

ORDERED: That the Petition of Safari Communications, Inc. for Designation as an Eligible Telecommunications Carrier on a Wireless Basis is **DISMISSED** without prejudice; and it is:

FURTHER ORDERED: That Safari Communications, Inc. may re-file its petition for designation as an ETC without the required filing fee and according to the conditions set forth herein.

By Order of the Department,

/s/ *Geoffrey G. Why*_____

Geoffrey G. Why
Commissioner

RIGHT OF APPEAL

Appeals of any final decision, order, or ruling of the Department of Telecommunications and Cable may be brought pursuant to applicable state and federal laws.